

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ROBERT CARR

Plaintiff

V.

**PETE GEREN, in his official capacity as
Secretary of the Army**

Defendant

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No. 5:08CV183

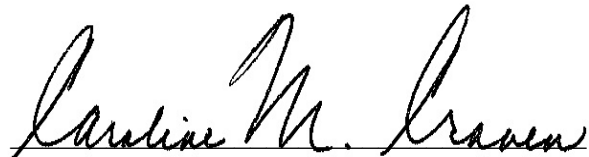
ORDER

Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for Assignment of Duties to United States Magistrate Judges, Defendant's Motion to Dismiss (Docket Entry # 4) was referred to the undersigned for the purpose of preparing a report and recommendation. On September 8, 2009, the Court ordered Plaintiff to file a response to Defendant's motion within twenty days from the date of entry of this Order. Plaintiff has failed to file a response as ordered. However, on October 1, 2009, John Delk filed a Notice of Attorney Appearance in this case. Considering an attorney has made an appearance on Plaintiff's behalf, the Court will allow Plaintiff additional time in which to file his response. Accordingly, it is

ORDERED that Plaintiff shall file a response to Defendant's Motion to Dismiss (Docket Entry # 4) within ten days from the date of entry of this Order. It is further

ORDERED that failure to file a response within the time prescribed may result in the granting of Defendant's motion and the dismissal of Plaintiff's above-referenced cause of action.

SIGNED this 2nd day of October, 2009.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE